

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.:
Filed:
For: Support for Survey Rod
Confirmation No.:
Group Art Unit:
Examiner:
Attorney Docket No.: PGARDK-S

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

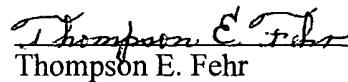
Express Mail Label No. EU877546721US

Date of Deposit: August 1, 2003

I hereby certify that the following attached

Combined Declaration and Power of Attorney

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Thompson E. Fehr

Express Mail Label No. EU877546721US

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COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR C-I-P)

As a below-named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: original declaration.

INVENTORSHIP IDENTIFICATION

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

Support for Survey Rod

SPECIFICATION IDENTIFICATION

the specification of which is enclosed herewith.

**COMBINED DECLARATION AND
POWER OF ATTORNEY**

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 Code of Federal Regulations § 1.56.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

No such applications have been filed.

CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national filing date of this application.

No such applications have been filed.

POWER OF ATTORNEY

I hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Thompson E. Fehr
Registration No. 31,353

SEND CORRESPONDENCE TO:

Thompson E. Fehr
Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403

DIRECT TELEPHONE CALL TO:

Thompson E. Fehr
(801) 393-6292

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

Full name of sole inventor: Ken Gardner

Inventor's signature _____

Date: _____ **Country of Citizenship:** United States of America

Residence: Ogden, Utah

Post Office Address: 5566 South 200 West
Ogden, Utah 84405

This declaration ends with this page.

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STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(b))--INDEPENDENT INVENTOR

I hereby declare Ken Gardner qualifies as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Support for Survey Rod described in the specification filed herewith.

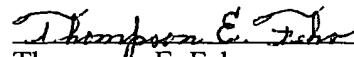
Mr. Gardner has not assigned, granted, conveyed, or licensed and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which he has assigned, granted, conveyed, or licensed or is under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

DATED this 1st day of August, 2003.



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